

April 12, 2004

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IN THE SUPREME COURT OF THE STATE OF IDAHO

2004 Opinion No. 38

SE/Z CONSTRUCTION, L.L.C., an Idaho)
limited liability company, and STEVEN W.)
ZAMBARANO, individually and on behalf of)
all other taxpayers of the State of Idaho,)

Plaintiffs-Appellants,)

v.)

IDAHO STATE UNIVERSITY, a body politic)
and corporate, THE STATE OF IDAHO,)
DEPARTMENT OF ADMINISTRATION,)
acting by and through the DIVISION OF)
PUBLIC WORKS,)

Docket No. 28649

Defendants-Respondents,)

and)

HARRIS BROTHERS CONSTRUCTION)
CO., INC., an Idaho corporation,)

Intervenor-Respondent.)

Appeal from the District Court of the Sixth Judicial District, State of Idaho,
Bannock County. Hon. W.H. Woodland, District Judge.

The judgment of the district court is affirmed.

Holden, Kidwell, Hahn & Crapo, Idaho Falls, for appellants. Dale W. Storer argued.

Hon. Lawrence G. Wasden, Attorney General, Boise, for respondent, State of Idaho.
Brian B. Benjamin argued.

Merrill & Merrill, Pocatello, for respondent, Idaho State University. Dave R. Gallafent
argued.

Lowell N. Hawkes, Pocatello, for respondent, Harris Brother's Construction Company, Inc.

In January 2001, Idaho State University (ISU) and the Department of Public Works (DPW) solicited bids for renovation of the Physical Science Building at ISU. SE/Z Construction, L.L.C. (SE/Z) and Harris Brother's Construction (Harris), among others, bid on the project. ISU and the DPW determined Harris was the low bidder.

SE/Z disputed the determination that Harris was the low bidder. SE/Z filed suit alleging ISU and the DPW violated the terms of the bidding documents and Idaho competitive bidding law. The district court found that the determination by ISU and the DPW that Harris was the low bidder violated neither the bidding documents nor Idaho competitive bidding law. SE/Z timely filed this appeal. This Court was asked to decide whether ISU and the DPW properly determined Harris to be the low bidder on the project.

This Court held that ISU and the DPW properly determined Harris was the low bidder based on the unambiguous terms of the bidding documents that were in accord with Idaho competitive bidding law.

Chief Justice Trout dissented, stating she would find that SE/Z was the low bidder based on the terms of the bidding documents.